

## STRAIGHT LINE

## JAIL KILLING DAY

# Assassination and baffling investigation



MUHAMMAD  
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**T**HE gory killings of four national leaders by misguided soldiers inside Dhaka Central Jail in the early hours of November 3, 1975, remain

an indelible shame on the national psyche.

The compounding tragedy in the whole transaction is that the brutality and shame did not stir the national conscience until a favourable political scenario emerged in 1996.

The four slain leaders namely Syed Nazrul Islam, Tajuddin Ahmed, AHM Kamruzzaman and Captain Mansur Ali were no ordinary men because for them public service was more important than life itself.

They had immense concern and were exceedingly interested in public welfare and demonstrated their will to fight valiantly for justice.

Anyone who has read the diaries of late Tajuddin Ahmed will be able to see the gritty dimension of his personality and his depth of understanding the socio-economic issues besieging a newly independent war-ravaged country.

His exemplary stewardship of our liberation struggle during the war in 1971, under daunting adversity in exile, shall remain a milestone in the annals of Bengali resistance and emancipation.

He proved brilliantly that when the going got tough the tough really got going.

When it was a question of displaying unflinching devotion to the fallen leader and his ideals, Syed Nazrul Islam, AHM Kamruzzaman and Captain Mansur Ali were second to none. They did not compromise with the murderous cabal to earn freedom or a cozy position in the establishment while others capitulated in the most shameful manner.

Records show that they could have bargained with the assassins and their patrons but they did not wilt. This was a rare instance of displaying inner strength; a necessity for establishing truth under adversity.

The tragedy in Bangladesh is that we, as a nation, have not been able to come out of our self-centeredness cum tribalism and it was thus no surprise that it took 21 years to officially recognise the culpability of a heinous

offence committed in the most blatant manner.

The cynics say that we have in our midst far too many "boneless wonders." With such men, expediency is all. The four slain leaders, however, were men who had the courage not to submit or yield and were really like rocks in the wilderness of shifting sands.

The historical significance of the sacrifice of the four national leaders cannot be lost sight of and we have to admit that by wavering for a painfully long time in taking the legal action we have made ourselves small. Must we not admit that vigorous societies have to harbour a certain extravagance of objectives, so that men wander beyond

headquarters.

The evidentiary value of the original FIR, which is first hand undiluted information of the incident and is relevant and admissible, need not be over-estimated. The investigator thus commenced his work with a handicap. Curiously, though the FIR was lodged on November 4, 1975, at Lalbagh police station, the investigation officer, the then Deputy Superintendent of Police (DSP), Mr. Saifuddin was not allowed to visit the place of occurrence despite repeated efforts, thus failing to take initial steps like drawing sketch maps of the place of occurrence, collecting exhibits and evidence and the like.

of the slain leaders could not be traced.

The then establishment instituted a Judicial Commission after the incident but the said Commission could not complete their inquiry. The relevant file regarding this Commission could not be traced at the ministry as some interested quarters were suspected to have caused its disappearance.

Admittedly, the investigator's job was made very difficult.

The misguided soldiers who committed the atrocities were rewarded with diplomatic postings. The job of tracing them and bringing them under the law was an awesome task. These accused persons were staying in "Bangabhaban" the seat of power and from there they proceeded to Dhaka Central Jail to commit the massacre.

After a lapse of so many years it was extremely difficult to trace the relevant files in these sensitive places. Equally difficult was locating important exhibits from Radio Bangladesh.

Despite all the odds, encumbrances and limiting factors the case ended in charge sheet against 21 accused persons including 14 absconders. The trial Court awarded death sentence to 3 accused persons and sentenced 12 to life imprisonment, thanks to the mind exacting and gritty investigation of Mr. Abdul Kahhar Akand, the then Senior Assistant Superintendent of Police. The trial was held in the ordinary Court of law where defence enjoyed all the statutory privileges.

It has been our unfortunate experience to recollect that our socio-political situation turned for the worse with the tragic murder of the Father of the Nation and four national leaders.

For many years these offences were not legally and appropriately. Such realities do have substantial adverse impact on the enforcement and adjudication temperament and culture.

Instances were there when many heinous criminal cases involving murder, abduction, grievous hurt, amongst others, were allegedly withdrawn as part of a deal struck with some political parties by the establishment.

Equally distressing is the fact that exoneration from criminal charges has been easy when political control was assured. The moot question is: Should standards of justice vary with variance in the colour of political establishment?

The crux of the subject is primarily rooted in our political culture.

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the safe provision of personal gratifications?

As mentioned, the State sprang into action to investigate into the ghastly misdeeds only when a favourable scenario emerged. However, the task was not easy by any count. The First Information Report (FIR) had mentioned the name of only one person as accused and four accomplices were shown as unknown.

Significantly, the original FIR could not be located despite the best efforts given in tracing them from the concerned Court, police station and CID office. Finally, a hand-written copy of the original FIR was located at police

Between 1975 and 1996 the investigation could not commence due to establishment indifference, and consequently many relevant supportive papers and direct evidence just disappeared much to the prejudice of the prosecution.

Some of the jail employees of the relevant period had been located from different places around the country after prolonged efforts and the complainant of the incident, the very old former DIG Prison was traced from Sandwip Island to prove the FIR.

Some old files had been retrieved from the prison records but copy of the inquest and the post mortem reports

# Race in the presidential race

ALI RIAZ

**I**F potus [Barack Obama] had been a Republican -- or, perhaps, merely an old white guy -- he'd be on Mount Rushmore by now for saving the economy, killing bin Laden, ending the Iraq War, rescuing the auto industry, securing fair pay for women, and giving all Americans access to affordable, high-quality private health insurance." This was the feeling expressed by an individual commenting on a news item on the CNN website.

The continuing importance of race as an issue in this election was underscored when John Sununu, a surrogate of Romney, insisted that Colin Powell's endorsement of Obama is based on "race." CNN analysts are currently asking: "Could Obama's struggles with white voters cost him the election?" It is reported that "with 59% support among whites, Republican presidential nominee Mitt Romney is hitting record numbers among that group. He is approaching a margin of support last seen by Republican Ronald Reagan in his 1984 re-election."

A politico/George Washington University Battleground Tracking Poll has Romney ahead of President Barack Obama among white voters by 18 points, 57% to 39%. Gallup showed Romney ahead among whites by 20-plus points this month. A Washington Post-ABC News Tracking poll released on October 26 showed a similarly large spread between the GOP nominee and

Obama at 21 percentage points. The Washington Post reported this to be the lowest level of support for a Democratic presidential candidate since 1988, when Michael Dukakis received 40% of the white vote against then Vice President George H.W. Bush. Bill Clinton came in slightly lower than that in 1992, at 39% of the white vote in a three-way race featuring Bush and Ross Perot (according to the Roper Center). But Clinton was in a three-way race where the third

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candidate had made some inroads among/with mainstream voters. In 2008, Obama trailed John McCain among white voters by just 12 points.

This divide between caucasian and minority voters is not new, but is alarming on two counts: racial prejudice is up and the first black president is facing an uphill battle where his race is being touted as an issue by his opponent. AP reports that racial prejudice has increased in the US slightly since 2008. "In all, 51% of Americans now express explicit anti-black attitudes, compared with 48% in a similar 2008 survey. When measured by an implicit racial attitudes test, the number of Americans with

anti-black sentiments jumped to 56%, up from 49% during the last presidential election," reveals a report by AP. This is based on surveys conducted with researchers from Stanford University, the University of Michigan and NORC at the University of Chicago.

There is another side to the ongoing race and election issue; while Obama's "white voters" problem is receiving huge press coverage, very few are taking the trouble to point out that Romney is

doing very poorly among black and Hispanic communities. The support for Romney among minorities has yet to cross the 20% mark. Among black voters, He has less than 4% support. His support among the Hispanic community is about 35%, far higher than his appeal to the black community.

It is worth pointing out that the share of white voters has declined in recent elections. In 1980, when Reagan first won the presidency, 89% of the electorate was white. In 1992, 87% of voters were white; in 2000, 81% were caucasian; and by 2008 the white share of the votes had fallen to 74%. As the 2012 election is increasingly focusing on

swing states, it will be useful to examine the voter situation in one of them -- Ohio. President Obama won 46% of the white votes in Ohio in 2008 when he carried the state by five points. It has been argued that "Romney probably needs to hold Mr. Obama to less than 40% of the white votes if he is to win Ohio."

If the issue of race, particularly support among caucasian voters, is giving Romney some hope, the Obama camp is taking comfort in the fact that the non-white eligible voter populations in battleground states have increased between November 2008 and May 2012.

According to William Frey of the Brookings Institution, a highly respected demographer, the rates of growth of the nonwhite voter population in four states are as follows: Nevada, up 9%; North Carolina, up 4%; Florida, up 4%, and Colorado, up 3%. The white share of the eligible voting population has declined in all those states.

Whether 2012 will turn out to be the most racially polarised presidential election in recent history is something we will soon find out. If Obama secures victory with a historically low level of support from white voters, will that have any impact on the future course of American politics? It is a question we may have to ponder. But, in the meantime, both candidates are hoping that the race issue will be key to ensuring victory.

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## More banks in the pipeline

### Bank Company Act being flouted

**T**HE nine new banks recently approved are being given facilities that fall outside of the existing Bank Company Act; which states that no bank can appoint more than 15 directors. Hence the question must be asked what is so uniquely special about the new banks that allow them to appoint up to 20 directors. From what has been published in the media, the move apparently has something to do with allowing sponsor directors to sell these 'extra' positions at exorbitant prices. If that is indeed the case, precisely what role is Bangladesh Bank (BB), as the regulator, doing about it?

It is no secret that BB opposed the issuance of licenses of new banks when the proposal came up originally. The rationale for such opposition came from the fact that the sector is already saturated with some 47 banks in the market. There have also been allegations that proper procedures were not adhered to in case of issuing license to the new banks. According to banking experts, BB appoints at least three committees to scrutinise the applications before giving approval and the process takes anywhere up to six months. Yet, approval was given in the short span of three months, which begs the question why the process was sped up and for whose benefit.

Should the new banks be allowed to appoint more directors than the mandatory maximum of 15 directors rule other commercial banks abide by, it would create additional anarchy in the financial sector. The common perception in the banking sector and policy analysts is that BB should enforce stricter licensing criteria in considering any application for a new bank. Such cautionary advice is not without merit. Until and unless BB develops resources to properly supervise and regulate all banks in the country, it ought to have thought twice about allowing new banks to join the fray. The collective advice of bankers and experts has apparently fallen on deaf ears and political considerations have taken precedence over sound financial practices. Allowing special privileges to favoured banks is not going to be conducive in promoting a healthy banking sector.

## SC's data bank welcome

### An essential step towards digitisation taken

**W**ITH 18 lakh cases pending at the lower courts, over 14,000 cases awaiting adjudication at the Appellate Division and 2.82 lakh others at the High Court, case management through digitisation is the right way to go.

The Supreme Court has introduced a data bank as a solid starting point towards digitisation of the judiciary. The data centre will preserve judgments, orders, cause lists and other relevant information to facilitate access to case information by litigants. That which used to be removed and destroyed earlier on would now be archived.

Besides having reference value, the system would serve current needs of litigants, the Bar and the Bench. The network is set to be expanded to district headquarters in phases.

What is to be particularly noted is that anyone will be able to know recent status of a case simply by sending an SMS to a designated address.

Very importantly, the apex court authorities have set up 5 digital display screens on the SC premises which show information about cases heard and disposed of at two divisions everyday. The status on other cases will also be exhibited.

The overarching dividends to be had from digitisation would be making justice delivery system affordable, accessible, cost-effective, and, above all, transparent and accountable.

The first major stride has been taken, now the nucleus of a system will have to be expanded, sustained, maintained and upgraded to cover and serve a wider range of users. People will have to be made aware of the facilities so that they can use them. Updating the website is a job cut out for the IT technology staffers. Since they have themselves developed the system, albeit with government funding, their commitment to it should be unquestionable. As we congratulate the Supreme Court on taking a long overdue step we urge all concerned to energetically pursue the cause of digitisation which is but a con-

## THIS DAY IN HISTORY

November 3

**1793** French playwright, journalist and feminist Olympe de Gouges is guillotined.

**1838** The Times of India, the world's largest circulated English language daily broadsheet newspaper is founded as The Bombay Times and Journal of Commerce.

**1913** The United States introduces an income tax.

**1933** Amartya Sen, a Nobel Prize laureate Indian economist, is born.

**1975** Bangladeshi politicians, Syed Nazrul Islam (b. 1925), A H M Qamaruzzaman (b. 1926) and Tajuddin Ahmad (b. 1925) were killed by a group of army officers on the instruction of President Ahmed.